

**STATE OF MARYLAND**  
**MARYLAND DEPARTMENT OF THE ENVIRONMENT**  
**Robert M. Summers, Ph. D., Secretary**

**BILL NO:** House Bill 945  
**COMMITTEE:** Environmental Matters  
**POSITION:** Oppose

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**TITLE: Sewage Sludge – Permit Applications and Public Hearings – Notification Requirements**

**BILL ANALYSIS:**

This legislation would amend §§ 9-234 and 9-234.1 of the Environment Article to expand public notice requirements for applications for permits to utilize sewage sludge on marginal land and non-marginal land, as well as for the storage of sewage sludge at a location other than a sewage treatment plant.

The bill would require, upon receipt of a permit application, that the Department mail a copy of the notice of the permit application to utilize sewage sludge or to store sewage sludge to record owners of any adjoining property. The notice would be required to identify the property where the sewage sludge will be utilized by tax and parcel number and street address, if applicable. The Department would also have to require the permit applicant, at the time the application is submitted and at least 14 days prior to a public hearing on the application, to post a public notice sign at the proposed utilization site that must: be orange, durable, and weather resistant; measure at least 30 by 36 inches; be visible from the nearest public roadway; state that the Department has received a sewage sludge permit application; contain information regarding the time and place of the public hearing on the permit application; and provide the tax and parcel number and street address for the proposed utilization site. The bill would require the Department to verify that the applicant complied with the sign requirement and publish the notice at least 14 days before the public hearing in a local newspaper having substantial circulation in the county.

**POSITION AND RATIONALE:**

The Department opposes House Bill 945. The bill, although introduced by the Cecil County Delegation, would impact the utilization of sewage sludge throughout the State of Maryland and would increase the workload of the Department.

This legislation is a result of the well publicized opposition to six permit applications for sewage sludge non-marginal land application in Cecil County last year. As required by law, the Department mailed copies of these sewage sludge permit applications when they were received to the Chairman of the Cecil County Council, the Cecil County Executive, and the Cecil County Health Department and offered for the Department to hold a public information meeting. The Department received a request for a public information meeting on these applications from the Cecil County government and, as allowed in law, provided one combined public information meeting for the six sites. In addition, notice of the public information meeting on the applications was made in the *Cecil Whig* once as required by statute. Because there was concern by some citizens that insufficient notice of the public information meeting had been made by the Department, at the request of the County Council, MDE conducted another meeting with the County Council, the County Executive, the County Health Department, and citizens. The County Council then requested separate public information meetings for the remaining four permit applications (two permit applications had already been withdrawn by the applicants). The Department agreed to and held one, final, consolidated public information regarding the four sites. In the end, MDE had participated in three evening public meetings, which were all well attended.

The Department has a well established public participation process for sewage sludge permit applications throughout the State. The meetings and hearings that are held may be lightly attended in areas where the application of sewage sludge is well accepted or may be more heavily attended in areas where the application of sewage sludge is more controversial. Either way, the Department's public notification process has not been questioned and citizens are afforded ample opportunity to ask questions of the Department and the applicants.

The additional notifications proposed by this legislation would require MDE to: mail copies of applications to adjoining property owners which would require additional land records research and costs for mailing and postage; publish notice in local newspapers for applications for which this was previously not required, increasing those costs; and field verify that the applicant has fulfilled the new signage requirements, which will take inspectors away from their duties which directly protect public health and the environment.

The Department receives approximately 80 permit applications per year that would be subject to the new requirements. Of these, 75 applications are for sewage sludge utilization on non-marginal land, and the remaining 5 applications are for utilization on marginal land or for construction of storage facilities. Currently, there are 14 permitted land application sites in Cecil County. Ten counties, including Calvert, Caroline, Carroll, Charles, Dorchester, Frederick, Harford, Queen Anne's, St. Mary's, and Talbot Counties, have more permitted land application sites than Cecil County. For example, neighboring Harford County has 33 currently permitted land application sites. The MidShore Counties of Kent, Queen Anne's, Talbot, and Caroline have a combined 82 permitted sites and the Southern Maryland Counties of Calvert, Charles, and St. Mary's have a combined 75 permitted sites. A total of 294 permitted sewage sludge land application sites and 41,117 acres of farmland throughout the State would be impacted by the bill.

The requirement for the applicant to provide a large orange sign near a public roadway regarding the application for a sewage sludge permit on the property would not only be a distraction for drivers, potentially causing roadway hazards, but would apply a blemish or stigma on farm lands utilized to grow crops and on lands being reclaimed for recreational or other beneficial uses. The Department believes that this would ostracize farmers or owners of marginal land who wish to take advantage of the valuable nutrients available through sewage sludge application. Signs are not required for other permit applications, such as for hazardous waste sites or landfills, and should not be required for the application of sewage sludge, which is a sustainable alternative to other sources of nutrients.

Lastly, this bill would impact all counties in Maryland. The ramifications of the signage notice, alone, could be very negative to those in the farming community who choose to utilize sewage sludge in their operations to enhance their soils to improve crop production and ground cover, and who do not want to be singled out for utilizing the sewage sludge. For these reasons the Department respectfully requests an unfavorable report.

**FOR MORE INFORMATION,**  
**CONTACT JEFFREY FRETWELL**  
**410-260-6301 ANNAPOLIS**  
**410-537-3537 BALTIMORE**